

Newstead Town Board Meeting- June 13, 2005

A Public Hearing was called to order by the Newstead Town Board on Monday, June 13, 2005 at the Newstead Town Hall at 7:40PM.

Present: Gerald F. Summe, Supervisor
Tom George- Councilman
Harold Finger- Councilman
Mark Decker- Councilman
Dale Kruschke- Highway Superintendent
Christine Falkowski- Building Admin.
Dan Seider- Town Engineer
Nathan Neill- Town Attorney
Kathleen McLeod Lang- Deputy Town Clerk

The public hearing was called to order by the Supervisor on the qualified abandonment of Wahl Road.

The Deputy Town Clerk read the proof of publication.

The Highway Superintendent Dale Kruschke explained the reasons for this proposal. There are no Permanent residents on Wahl Road. The qualified abandonment means there is still a slight use of the road, but not enough to warrant maintenance expenditure. Wahl Road can still be accessed, and will still be owned by the Town of Newstead. A fence must be erected, but not locked.

Comments: George Pannella, 7311 Milesstrip Rd, Orchard Park, questioned if he would be blocked and not be able to use road and his property. He will still be able to use the road to access his property.

Caesar Tronilone, Hamburg, NY (relative of Paycon) would like the road partially kept open. His family donated the road to Town of Newstead 75 years ago and would like to reclaim, would like Billo Road re-opened which was abandoned on request of the Paycon Family in 1994. He thought Billo Road in Alden was abandoned. They now will fight legally to get road back to Paycon Family.

Bruce Pacyon, 8137 Center St.,Holland, NY feels that Billo Rd was totally abandoned in Alden .

Town Attorney Nathan Neill stated that NYS Law is either total abandonment or qualified abandonment. We can not abandon only a portion of the road.

Supervisor Summe states that the DEC and LaFarge needs access. The Town of Newstead is not taking side of corporation, just following New York State Law.

There being no other comments, a motion was made by Councilman Finger, seconded by Councilman Decker to close the public hearing on the qualified abandonment of Wahl Rd.
Carried

The Supervisor called to order the public hearing on Local Law No. 2 of 2005 regarding fences, walls and decorative markers at 8:15pm.

The Deputy Town Clerk read the proof of publication.

The Supervisor explained the reasons for this proposal.

Comments: Justin Rooney, 32 Bloomingdale Ave, Akron, NY, questioned the meaning of decorative markers. It was explained as a "fancy post"

There being no other comments, a motion was made by Councilman George, seconded by Councilman Finger to close the public hearing on the proposed Local Law No. 2 of 2005.

A regular meeting of the Newstead Town Board was called to order at 8:20pm.

Roll Call was taken with all board members present except Councilman Chaffee who is out of town.

Gracie Brucker led the pledge to the flag.

Minutes from the previous regular board meeting held on May 23, 2005 were presented for approval. A motion was made by Councilman George, seconded by Councilman Decker to approve as presented. Carried

Communications – The Deputy Town Clerk presented the following:

A letter from Tom Lonzi, owner of Tom's Pro Bike in Lancaster thanking the town for their assistance and hospitality on Sunday May 15th during their 11th annual bike ride for Roswell Park. The town park pavilion was opened for the bicyclists to use as a rest stop/bathroom break during their ride. They are all very appreciative of our help.

The May and June water testing report for Water Districts #1 & #3 was received from Mid-state Environmental Labs with all samples passing acceptable limits.

A letter from Assemblywoman Sandra Lee Wirth regarding her petition drive to allow important legislation on dangerous sexual predators and improvements on "Meghan's Law" to be brought to the Assembly floor. We currently have completed 3 full petitions which will be returned to the Assemblywoman within the next two weeks.

A fax transmission from Amherst Central Alarm Office reporting the May calls for Akron Fire Co.- 42 and Newstead Fire Co.- 33.

A notification from Subsea Oil & Gas Inc. that they have applied for an exploratory gas/oil well drilling permit from the NYS Bureau of Mineral Resources for a site in the Akron Quad.

A notification from the Town of Alabama regarding a public hearing to be held on June 13, 2005 at 7:00pm regarding the proposed Local Law #2 of 2005 amending their Zoning Law to include the definition for Wind Energy Conversion System- Production Model.

A letter from the Labor-Management Healthcare Fund explaining the packages available from their group for employers.

A motion was made by Councilman George, seconded by Councilman Finger to receive and file correspondence as presented. Carried

Work Session: Supervisor Summe reported that a work session was held last week and the following issues were discussed: APA Nursery school request, lateral restriction hardship applications, Flag lots legislation, drainage district issues, water district #10, water tank, plumbers license, Rt. 5 re-zoning legal description, discussion on "Save American Jobs" resolution and support of civil confinement resolution, and shared facilities project.

Privilege of the Floor –No one spoke

Approval of Bills -Councilman Decker reported that the Abstract from Batch #405 & 406 from the May 23, 2005 meeting has been reviewed with the previously UN-audited vouchers and everything was found in order. He presented Abstract Batch #411 & 412. Vouchers on these abstracts numbered 593 & 594-673, totaling \$380,113.60 and were presented for payment approval by Councilman Decker, seconded by Councilman Finger to approve payment.

Abstract Batch 411 & 412:

General Fund (A) -\$19,857.86, Fund (B) \$932.80, Highway (DA) -\$0, Highway: Outside Village (DB) \$31,309.01, Capital Projects- CAP-WD#10 (HI)- \$284,260.91, Town Hall (HK)- \$312.55, Fire Protection (SF) \$2,347.68, Refuse (SR) \$18,885.98, Sewer Fund (SS) \$5.27, Sewer District #2

(SS02)- \$0, and Water Districts (SW1) \$232.81, (SW2) \$88.44, (SW3) \$271.69, (SW4) \$112.56, (SW5) \$2,430.17, (SW6) \$313.62, (SW7) \$18,583.41, (SW7A) \$48.24, (SW8) \$32.16, (SW9) \$88.44, (SW10) \$0, Trust & Agency(TA)- \$0 Totaling \$380,113.60.

Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – He attended annual conference for Highway Superintendents in Ithaca Certification of Qualified Abandonment of Wahl Road was signed and read by Superintendent Kruschke.

Rental Rates

A motion by Councilman George, seconded by Councilman Decker, to approve rental rates for Caterpillar equipment.

Carried

Assessor –Not Present Monthly update presented to Board members. The Board of Assessment Review met on June 7, 2005 and there were 16 appointments. Notifications of their decision will be sent out at end of week. She has completed “Introduction to Farmland” and “Income Valuation” which is the last required course for certification. We have received notification regarding the 520 charges (exempt amount that must be paid back by non-eligible buyers). The county will no longer calculate these charges. It will become the responsibility of the Town. I plan on reviewing this with the Town Clerk and see how we can best handle this new duty.

Building Office –the following building report was presented by the Building Administrator Christine Falkowski:

Marjorie Wideman	11521 Hunts Corners	Roof
Thomas Cebulski	4661 Ayers	Pole Barn
Keith Kuzara	12282 Rapids	Deck
Charles Fischer	11105 Keller	Shed
Francis McConkey	13968 Bloomingdale	Roof
Jeff Aichinger	5324 Crittenden	Porch & A.G. pool
David Morehouse	11326 Miland	3 Car Garage
Bryan VanVolkenberg	12834 Dorsch	Deck
Bruce Buyers	4811 Crittenden	A.G. pool
CMK Builders Inc.	4468 Ayers	One Family Home
Debbie Hamm	6441 Utley	A.G. pool
Frank Hojnacki	6541 Draper	Fence
Daniel & Marcia Orr	12718 Carney	Shed
Carl Metzger	12250 Nice	Shed
Mark Wagner	12555 Brucker	Storage Bldg
David Plewinski	11106 Clarence Center	One Family Home
Robin Combs	v/l Fletcher Rd	Demolition
Leisurewood Campground	5720 Cummings Rd	ROW Access

A motion was made by Councilman Decker, seconded by Councilman Finger to accept and approve the Building Report and Unsafe Building Report as presented. Carried

Also the Unsafe Building Report was distributed, and it illustrates that progress is being made.

Town Clerk- Dawn is attending the NYS Tax Receivers and Collectors conference and will return Wednesday. Nothing else at this time.

Attorney for the Town –Nothing at this time

COUNCILPERSONS

Chaffee-He is on vacation.

George-Nothing at this time

Finger-He Thanked Highway Superintendent Kruschke for work at Senior Center

Decker-Nothing at this time

SUPERVISOR-The May Supervisor's Report is complete and in the Town Clerk's office for review.

UNFINISHED BUSINESS

Water District #10/Water Tank-

Dan Seider from Wendell stated that the water installation is moving along on schedule. You will be able to see the concrete shaft of the Water Tank by mid August.

Town Hall Project: Handicapped Accessible Entrance-

Councilman George stated the glass curtain wall is up and will be closed by tomorrow.

Route 5 Zoning-Supervisor stated the booklets are being made of the design standards and that we still need to qualify boundary lines.

Plumber's License-The list will be complete and in effect by January 1st 2006

Shared Public Works Facility Committee-

Councilman George made will make motion later in meeting.

NEW BUSINESS:

Adoption- Qualified Abandonment of Wahl Rd:

Superintendent Dale Kruschke approved and adopted the Qualified Discontinuance of Wahl Road.

Neg Dec & Adoption- Local Law No. 2 of 2005 – Fences & Walls:

A motion by Councilman Decker, seconded by Councilman George issuing a negative SEQR Declaration on the proposed Local Law No. 2 of 2005 entitled Zoning Law Amendment on fences, walls and decorative markers.

(Resolution Attached) Ayes-4 Nays- 0 Carried

A motion by Councilman Decker, seconded by Councilman George adopting Local Law No. 2 of 2005 entitled Zoning Law Amendment on fences, walls and decorative markers.

(Resolution Attached) Ayes-4 Nays- 0 Carried

Support of Civil Confinement:

A motion by Councilman Finger, seconded by Councilman Decker approving and adopting a resolution in support of Assembly Bills #2693, 1654, 8158 and 1701 as well as Senate Bill #3506A. These bills aim to strengthen sexual predator laws and Meghan's Law in New York State.

(Resolution Attached) Ayes-4 Nays- 0 Carried

Authorizing Resolution and Commitment of Matching Funds

A motion by Councilman Finger, seconded by Councilman George authorizing Gerald Summe, Supervisor of the Town of Newstead, to submit an application to New York State Office of Parks, Recreation and Historic Preservation requesting \$42,168 to establish a park on municipal lands contiguous to the Newstead Town Hall. Grant Funds will be matched y the town with \$42,168 in cash and in-kind goods and services.

(Resolution Attached) Ayes-4 Nays-0 Carried

Authorizing Resolution and Commitment of Matching Funds for Babe Ruth softball diamond.

